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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

|                        |                    |
|------------------------|--------------------|
| Application Number     | 09/822,573         |
| Filing Date            | March 30, 2001     |
| First Named Inventor   | Scott Borland      |
| Art Unit               | 3752               |
| Examiner Name          | Christopher S. Kim |
| Attorney Docket Number | 016770-002810US    |

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TECHNOLOGY CENTER R3700

Total Number of Pages in This Submission

**ENCLOSURES (Check all that apply)**

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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Return Postcard<br>Response to Restriction Requirement |
| <b>Remarks</b>  |  | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.  |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                    |  |                 |
|--------------------|--|-----------------|
| Firm or Individual | Townsend and Townsend and Crew LLP<br>Darin J. Gibby | Reg. No. 38,464 |
| Signature          |  |                 |
| Date               | July 31, 2003  |                 |

**CERTIFICATE OF TRANSMISSION/MAILING**

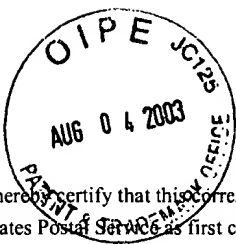
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

|                       |               |      |               |
|-----------------------|---------------|------|---------------|
| Typed or printed name | Connie Larson |      |               |
| Signature             |               | Date | July 31, 2003 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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On July 31, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Connee Laro

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TECHNOLOGY CENTER R3700

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Scott Borland

Application No.: 09/822,573

Filed: March 30, 2001

For: APERTURE PLATE AND  
METHODS FOR ITS CONSTRUCTION  
AND USE

Customer No.: 20350

Confirmation No.: 7223

Examiner:

Technology Center/Art Unit:

RESPONSE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement mailed July 1, 2003, Applicants hereby elect the claims of Group I, i.e., claims 10-14 and 31-34. Applicants also note that claim 35 links Inventions I and III and that upon allowance of the linking claim, the restriction requirement as to the linked claims will be withdrawn.

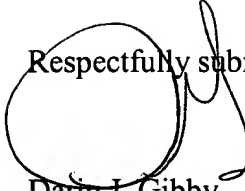
The Office Action also includes an election of species requirement. Since Invention I is elected, Applicant also elects the species of Fig. 1 (Species A). It is believed that

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PATENT

all elected claims are readable upon this species.

Respectfully submitted,

  
Darin J. Gibby  
Reg. No. 38,464

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